

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
<b>CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS</b>		Case <b>14-CB-206608</b>	Date filed <b>9/21/17</b>
INSTRUCTIONS File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring			
1 LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a Name National Production Workers Union, Local 707		b Union Representative to Contact <b>(b) (6), (b) (7)(C)</b>	
c Address 1420 Kensington Rd, Ste 335, Oak Brook, IL 60523-2147		d Tel No (630)575-0560	e e Cell No
		f Fax No	g e-Mail
h The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b) subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			
2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Since about <b>(b) (6), (b) (7)(C)</b> 2017, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the grievance of <b>(b) (6), (b) (7)(C)</b> regarding <b>(b) (6), (b) (7)(C)</b> write-up for arbitrary or discriminatory reasons or in bad faith			
3 Name of Employer Renzenberger-Halcon		4a Tel No <b>312-7960320</b>	4b Cell No <b>800-878-0450</b>
		4c Fax No	4d e-Mail
5 Location of Plant involved (street, city, state and ZIP code) PO Box 14610, Lenexa, KS 66285-4610		6 Employer representative to contact <b>(b) (6), (b) (7)(C)</b>	
7 Type of Establishment (factory mine wholesaler) Service transportation	8 Principal product or service Transportation of Rail Workers		9 Number of Workers employed 35
10 Full name of party filing charge <b>(b) (6), (b) (7)(C)</b>		11a Tel No	11b Cell No <b>(b) (6), (b) (7)(C)</b>
		11c Fax No	11d e-Mail <b>(b) (6), (b) (7)(C)</b>
11 Address of party filing charge (street city state, and ZIP code) <b>(b) (6), (b) (7)(C)</b>			
12 DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief			
By <b>(b) (6), (b) (7)(C)</b>	<b>(b) (6), (b) (7)(C)</b>	Tel No	RECEIVED NLRB REGION 4 2017 SEP 21 PM 3:36 SAINT LOUIS, MO 63103
(Signature)	Print/type name and title or office, if any	Cell No <b>(b) (6), (b) (7)(C)</b>	
Address <b>(b) (6), (b) (7)(C)</b>	Date	Fax No	
		e-Mail <b>(b) (6), (b) (7)(C)</b>	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes **(b) (6), (b) (7)(C)**



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 14  
1222 SPRUCE ST  
RM 8.302  
SAINT LOUIS, MO 63103-2829

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (314)539-7770  
Fax: (314)539-7794



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September 22, 2017

(b)(6), (b)(7)(C)

National Production Workers Union, Local 707  
1420 Kensington Rd., Ste 335  
Oak Brook, IL 60523-2147

Re: National Production Workers Union,  
Local 707 (Renzenberger-Halcon)  
Case 14-CB-206608

Dear (b)(6), (b)(7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner JOHN K. HOLDERMAN whose telephone number is (314)449-7483. If this Board agent is not available, you may contact Supervisory Attorney LUCINDA L. FLYNN whose telephone number is (314)449-7482.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.

September 22, 2017

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/

MARY J. TOBEY  
Acting Regional Director

Enclosure: Copy of Charge

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**NATIONAL PRODUCTION WORKERS UNION,  
LOCAL 707**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

**Case 14-CB-206608**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION**

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 21, 2017, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

**(b)(6), (b)(7)(C)**

National Production Workers Union, Local  
707  
1420 Kensington Rd., Ste 335  
Oak Brook, IL 60523-2147

September 21, 2017

\_\_\_\_\_  
Date

Dannie Abbott, Designated Agent of  
NLRB

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 14  
1222 SPRUCE ST  
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September 22, 2017

(b)(6), (b)(7)(C), Supervisor  
Renzenberger-Halcon  
PO Box 14610  
Lenexa, KS 66285-4610

Re: National Production Workers Union,  
Local 707 (Renzenberger-Halcon)  
Case 14-CB-206608

Dear (b)(6), (b)(7)(C):

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner JOHN K. HOLDERMAN whose telephone number is (314)449-7483. If this Board agent is not available, you may contact Supervisory Attorney LUCINDA L. FLYNN whose telephone number is (314)449-7482.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

September 22, 2017

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. On all your correspondence regarding the charge, please include the case name and number indicated above.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures*, offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/

MARY J. TOBEY  
Acting Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire



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September 22, 2017

(b) (6), (b) (7)(C)

Re: National Production Workers Union,  
Local 707 (Renzenberger-Halcon)  
Case 14-CB-206608

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on September 21, 2017 has been docketed as case number 14-CB-206608. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner JOHN K. HOLDERMAN whose telephone number is (314)449-7483. If this Board agent is not available, you may contact Supervisory Attorney LUCINDA L. FLYNN whose telephone number is (314)449-7482.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

September 22, 2017

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/

MARY J. TOBEY  
Acting Regional Director





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NATIONAL LABOR RELATIONS BOARD

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SAINT LOUIS, MO 63103-2829

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (314) 539-7770  
Fax: (314) 539-7794

December 13, 2017

(b) (6), (b) (7)(C)

National Production Workers Union,  
Local 707  
(Renzenberger-Halcon)  
Case 14-CB-206608

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that National Production Workers Union, Local 707 has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges the Union refused to process a grievance over your discipline for arbitrary or discriminatory reasons or in bad faith. However, the investigation disclosed that the Union investigated the matter, and, after contacting the Employer's Human Resources department, confirmed you were not issued discipline. The Union thereafter declined to further process the grievance. The investigation failed to establish that the Union's decision not to process your grievance was based on any unlawful reasons. Accordingly, I am declining to issue complaint.

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

**Means of Filing:** An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at [www.nlrb.gov](http://www.nlrb.gov) and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at [www.nlrb.gov](http://www.nlrb.gov). You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

**Appeal Due Date:** The appeal is due on **December 27, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than **December 26, 2017**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 27, 2017**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **December 27, 2017, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/

LEONARD J. PEREZ  
Regional Director

Enclosure

cc: (b)(6), (b)(7)(C) Supervisor  
RENZENBERGER-HALCON  
PO Box 14610  
Lenexa, KS 66285-4610

(b)(6), (b)(7)(C)  
NATIONAL PRODUCTION WORKERS  
UNION, LOCAL 707  
1420 Kensington Rd., Ste 335  
Oak Brook, IL 60523-2147

hly

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

**APPEAL FORM**

To: General Counsel  
Attn: Office of Appeals  
National Labor Relations Board  
1015 Half Street SE  
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

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Case Name(s).

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Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

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*(Signature)*